

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

202

CRR-1587-2008

DATE OF DECISION: 23.10.2019

PASSA SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Surinder Gandhi, Advocate for the petitioner(s).

Mr. N.K. Banka, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the trial Court and the Appellate Court, whereby he has been convicted under Sections 326, 324 and 323 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of 2 ½ years along with fine of Rs.800/-, in default to further undergo rigorous imprisonment for a period of 10 days.

Learned counsel for the petitioner contends that the allegations in the FIR are that the petitioner had caused one injury on the back of the right shoulder of the injured Charanjit Kaur. The other injuries were attributed to the co-accused Prem Singh. He also contends that the incident was outcome of a sudden altercation between the residents of the same village. Charanjit Kaur has fully recovered from the injury. There has been no untoward incident after the date of the occurrence and the parties are residing amicably in the village. The petitioner is facing protracted criminal proceedings for over two decades. He further contends that the sentence of the petitioner was suspended in terms of the order of the coordinate Bench of this Court on 16.10.2008. After the suspension of sentence of the petitioner and he being released from custody, there has been no untoward incident involving the petitioner.

Learned counsel also contends that he is not challenging the conviction of the petitioner and would confine his prayer to reduction in the sentence to the period already undergone by him. The petitioner has undergone sentence of 7 months out of the total sentence of 2 ½ years.

Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone an actual sentence of 7 months and 4 days out of the total sentence of 2 ½ years.

Heard.

The FIR is outcome of a sudden altercation between the residents of the same village. The injuries are on non-vital parts of the body of the complainant. The injured has fully recovered from the injury. There has been no untoward incident after the date of the occurrence and the parties are residing amicably in the village. The petitioner is facing protracted criminal proceedings for over two decades. After the release of the petitioner upon suspension of his sentence, there has been no other case involving the petitioner. The ends of justice would be met in the event of his sentence being reduced to the period already undergone by him.

Therefore, while maintaining the conviction, his sentence is reduced to the period already undergone by him.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

23.10.2019.
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No